



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Washington, DC 20201

March 3, 1993

Dear Colleague:

As communicated to you by letter dated February 17, 1993, enclosed please find a copy of the revised "Guidance to AFL Grantees." This revised guidance supersedes the guidance dated September 8, 1988 which you previously received.

Please read the attached guidance carefully. If you have any questions with respect to the attached, please call or write your project officer as soon as possible.

Sincerely yours,

/s/

Jerry Bennett

Acting Deputy Assistant Secretary

For Population Affairs

Enclosure

GUIDANCE TO AFL GRANTEES

- (1) An AFL project is invited to present a prevention program to adolescents attending a church-affiliated summer camp. Does this present a problem?

Response: Generally not. Projects should handle requests for AFL prevention presentations (or care services) in an evenhanded fashion which neither discriminates against, nor favors, religion or a particular religious doctrine or affiliation. AFL project services should be offered in a religiously neutral fashion, and decisions about where to offer presentations or provide services should be made on program relevant criteria such as program efficiency, need, public requests, or geographic balance rather than on any religion related criteria. (See #12.) Making presentations to church-affiliated camps would present a problem if,

1. the project is making presentations predominately or exclusively to church-affiliated organizations, or
2. the project is refusing to provide services to non-church-affiliated groups, or
3. the project is failing to make adequate outreach to such non-church-affiliated groups.

As with all services provided in AFL projects, presentations to church-affiliated groups may not teach or promote religion. (See also #3 and #4).

- (2) A project is invited to present a prevention program to adolescents in public schools and private schools, including private schools of various religious affiliations. Should a project refuse to provide services in the religiously affiliated schools?

Response: AFL projects should not provide educational programs for students in a religiously affiliated school building during school hours. However, AFL project staff are free to provide information in such schools about the project's activities as part of the project's broader community outreach efforts. Additionally, the AFL project is not precluded from using facilities at a religiously affiliated school during school hours for groups other than students at the school as long as other guidance concerning the location of AFL project activities is followed. (See #3)

- (3) May a project ever use church property for conducting a program?

Response: AFL projects should not use church sanctuaries, chapels, or other rooms which are primarily used for religious worship services. However, this rule does not apply if the sanctuary or

other room in question is commonly altered in order to provide a space for purposes other than religious worship services. For example, if a partition is commonly used to close off the altar area of a chapel in order to create a conference room, such a room could be used. If the project concludes that there is no practical alternative to the use of a church sanctuary, such as in rural areas or inner city neighborhoods, the project shall contact the Office of Adolescent Pregnancy Programs (OAPP) for further guidance before using such a facility. Additionally, AFL projects should avoid using sectarian settings for the provision of AFL services. However, if based on entirely secular criteria such as cost, availability, size and location, a church facility offers the best or only setting for the provision of services, it is permissible to use such facilities, including rooms such as fellowship halls, conference rooms, parish halls, classrooms, kitchens, and gymnasiums. However, if a project uses such rooms, the guidance concerning the removal of religious symbols must be followed (See #4). In such cases you should write a memo for your records indicating why the site was selected.

- (4) May services be provided in settings which contain religious symbols?

Response: The general principles outlined in #3 apply here also. If an AFL project intends to provide services to AFL clients in a room which contains religious symbols, those symbols should be removed or covered to the extent that it is possible and practical to do so. For example, it may not be possible or practical to cover or remove a symbol which is incorporated into the construction of the room, such as a symbol in the tile on the floor. As another example, a project would not be required to attempt to cover a stained glass window.

- (5) A religiously affiliated grantee operates a care project which provides shelter and a variety of services for pregnant teens. Every day at a certain time, a message is announced over the loudspeaker that a worship service is being held in the chapel for anyone who cares to attend. Attendance is voluntary, both for AFL clients and others at the shelter. Neither the cost of the room nor the salary of the leader of the service is paid for with AFL funds. Does this present a problem?

Response: Advising clients of the availability of religious services outside the AFL project is not a per se violation but conducting any religious services as part of an AFL project or encouraging clients to attend any religious service is prohibited. The example above would be consistent with law so long as (a) clients of other religious affiliations have reasonable notice of religious services of their choice and (b) no encouragement to attend any religious services is involved.

- (6) A project runs a residential care program which provides shelter and a variety of services for pregnant teens. The organization which sponsors the project makes religious counselors available for AFL clients and others at the shelter. The counselors are not paid for with AFL

funds. They do not see AFL clients unless clients specifically request spiritual counseling. Does this present any problem?

Response: Providing religious or spiritual counseling as part of an AFL project is not permitted, whether using paid staff or volunteers. Clients requesting religious or spiritual counseling should be referred to appropriate individuals or projects for such counseling outside of the AFL project. Clients must be free to select their own counselors, however, and any effort to funnel clients to counselors of particular faiths is prohibited. Residential facilities which make religious counselors of a particular faith available for project clients on-site (or outside of the project) must insure that clients also have reasonable access to counselors of other faiths.

- (7) A grantee has produced informational material of a sectarian nature with non-project funds. It is available in an office utilized by both non-AFL clients and AFL clients. Is this appropriate?

Response: AFL funds may not be spent on materials that teach or promote religion. Moreover, an AFL project must not promote religious doctrine by the manner in which clients are exposed to non-project materials. For example, a project may not make available in the office materials that are primarily of a sectarian nature. Even when secular materials are also available, a project must avoid promoting religious doctrine by giving sectarian materials a place of prominence when compared with other materials available in an office utilized by project clients. If, however, a literature rack contains many materials, including some materials which include sectarian references, and project staff does not specifically encourage AFL clients to read the sectarian materials, there is less risk that the project will promote religious doctrine. The key concepts to keep in mind are that AFL funds may not be spent on materials that teach or promote religion and that religious doctrine may not be promoted by the manner in which clients are exposed to non-project materials.

- (8) A grantee is located in a geographic region in which the population is predominately Catholic (or Mormon, Lutheran, or other). Project services are available to anyone, regardless of religious denomination. However, due to the nature of the area, most of the clients are of a single denomination. Does the fact that most clients are of one denomination present a problem?

Response: AFL projects must be accessible to the public generally, regardless of religious denomination. Grantees must assure that information about their AFL projects is broadly disseminated throughout the community, including through public media, such as radio or television, and advertisements in public facilities or areas. Additionally, an AFL project is prohibited from selecting clients based on their religious affiliation. No problem is presented, however, where most of the clients are of a single denomination due to the fact that the grantee is located in a geographic region in which the population is predominately that denomination (Catholic, Mormon, Lutheran, or other).

denomination) or for reasons unrelated to the grantee's selecting of clients based on their religious affiliation (e.g. coincidences, accessibility of the project to a particular population group, comfort level of particular population group with the project).

- (9) A project includes a discussion of the difference between love and infatuation. The teacher or group leader seeks to involve the adolescents by asking for examples of different types of love and then writing those examples on the blackboard. One teen suggests, "God's love" as an example of one type of love. What should the staff do at this point?

Response: The staff should treat the suggestion respectfully as other comments would be treated. The student should not be made to feel as though the comment was less appropriate than others; there should be no put-down of any sort. Staff should write the example on the board and treat it as any other suggestion, but the staff should not use this as a springboard for a religious discussion. The staff should then steer the discussion back to the secular topic at hand.

- (10) Project staff is discussing with adolescents reasons for postponing premarital sexual activity. An adolescent comments that the Bible (or the church) teaches that premarital sexual activity is wrong and cites references. Class participants want to discuss this and ask about other religions' teachings on this topic.

- (a) How should this situation be handled?
- (b) How should the situation be handled if this was a class involving parents and teens together or parents alone, as opposed to adolescents alone?

Response:

(a) The teacher may acknowledge that several faiths maintain that premarital sexual activity is wrong and that an individual's faith may play an important role in making a decision on this matter. The teacher should suggest that further discussion or questions should be addressed to parents and/or clergy because it is a matter beyond the scope of the project. As with #9, all such matters should be treated with respect.

(b) If parents express interest in this subject, they should be encouraged to pursue this discussion among themselves or with their children outside of the AFL presentation, with the explanation that while it is indeed an important issue, it is beyond the scope of the immediate program. Staff should explain that it is a government sponsored project and, therefore, religious counseling or teaching is beyond the scope of the program.

- (11) In counseling an adolescent, in what context, if any, may a counselor help the client explore the connection between her religious views, if any, and the issue at hand (crisis pregnancy, sexual activity, etc.)?

Response: During individual counseling sessions, an adolescent's religious beliefs may arise in two contexts:

- (a) when the adolescent raises the issue of her/his religious beliefs, or
- (b) when the counselor believes that it is important for the adolescent to consider a variety of factors (including parental and peer values and moral beliefs) in order to make his/her own decisions responsibly.

In both of these contexts, the key principle is that religious counseling is not to be undertaken as part of an AFL project. (See #6.) Thus, in the first situation, the counselor should acknowledge the importance of the role religious beliefs may play in an individual's decisions, but must refer the client to other sources of counsel outside the project (parents, religious leaders, etc.) to explore the substance of the relevant religious beliefs. If the adolescent wishes specific guidance relating to her religious beliefs, she should be told to discuss the matter with her parents or the religious counselor of her choice outside of the project.

In the second situation, it is appropriate for the counselor to encourage a client to make decisions with reference to the client's own views on appropriate and moral conduct, whether those spring from religious or non-religious beliefs. If, as a result of that discussion, an AFL client requests guidance on religious issues, she should be told to discuss the matter with her parents or the religious counselor of her choice outside of the project. Under no circumstances may a counselor express a judgment with regard to a client's religious or non-religious beliefs or seek to change the religious or non-religious beliefs of a project client. Most importantly, a counselor should not in any way favor religious over non-religious beliefs or vice versa in the context of helping a client explore her own moral views. The counselor may wish to explain that the project is a government sponsored project and, therefore, religious counseling or teaching is beyond the scope of the program.

In group sessions, an instructor may note that religious beliefs regarding sexual behavior may play an important role in affecting an individual's views. However, it would not be appropriate to pursue in-depth discussion of this subject. The instructor should suggest that participants consult with their parents or clergy should they want to discuss this matter further. (See #10)

- (12) A church youth group asks a grantee to present a prevention project for the group. The youth group then invites their priest/minister/rabbi to make a presentation after the class is over on the

church's view on the topic. Is this permissible?

Response: An AFL presentation must not be made in conjunction with a sectarian program in such a way as to give the impression either that the AFL presentation is a part of the sectarian presentation or that the sectarian presentation is a part of the AFL project. In short, the presentation of an AFL prevention program to a church youth group is justified only by the secular purposes of the AFL project. Such a presentation must be scrupulously neutral about private sectarian beliefs held by a group to whom a presentation is made. A grantee must avoid creating the impression, or being used to create the impression, that an AFL presentation is intended to promote sectarian beliefs. Thus, for example, efforts to jointly publicize church and AFL programs in such a way that they appear to be integrated parts of overall programs would be prohibited. Similarly, efforts by the AFL project to actively facilitate religious presentations would be prohibited.

- (13) A maternity home/residential facility houses a library with many types of books, including some of a specific religious nature, such as Bibles and prayer books. These books were not purchased with AFL funds. Does this present any problem?

Response: Generally not. It would be a problem only if the clients were urged to read these materials or directed to the religious materials in the library without requesting it.

- (14) May an AFL project refer clients to religiously affiliated service providers?

Response: All referrals for AFL services must be provided in a religiously neutral manner. Thus, an AFL project should not steer an AFL client toward or away from religiously affiliated referral agencies in referrals for services authorized under the Act. When making any type of referral, the AFL project should consider the professional qualifications, availability, accessibility, and the conduct of the referral agency. In addition, the terms and conditions of the grant award apply to all aspects of the AFL project, whether provided on site or by referral and whether provided by the grantee, a subgrantee or anyone else who provides project services.

- (15) A pregnant adolescent, who plans to put her baby up for adoption, is of a particular religious denomination (e.g. Catholic, Lutheran, or other denomination). She would like her baby to be placed with a family that is also of that particular religious denomination (e.g. Catholic, Lutheran, or other denomination). May the AFL project refer the adolescent to a particular religiously affiliated adoption agency (e.g. Catholic, Lutheran, or other denomination)?

Response: With respect to adoption referrals, it is permissible for an AFL project to refer an AFL client to a particular religiously affiliated adoption agency where the AFL client, who is the birth mother,

chooses such an agency – as in a situation where she wishes to have her baby placed with a family of that particular religious denomination. A grantee may use as a source for adoption placement or counseling an agency which has religious restrictions on the placement of the child, but the grantee must assure itself that the AFL client is made aware of such restrictions and that she accepts those restrictions before the referral is made. A grantee may not use such an agency with such restrictions as its sole source for adoption referral unless no other adoption agencies exist in the area which would be an appropriate referral agency after consideration of the professional qualifications, availability, accessibility, and conduct of the agency.

- (16) An adolescent in an AFL care project requests a referral for family planning services, but the AFL grantee does not directly refer for family planning services other than natural family planning. How may the grantee comply with the statutory requirement to provide family planning counseling and referral services?

Response: In order to comply with the statutory requirement to provide family planning referral services, a care grantee need not provide direct referrals to family planning agencies or clinics, but may comply with the statutory requirement by advising AFL clients to contact a physician, or providing the phone numbers of the local health department or other agency within the local area which provides referral services. Clients who request information or counseling on specific methods of family planning should be referred to agencies which provide such information. In making such referrals, the principle of client self-determination must be followed and no effort should be made to steer or direct a client toward a particular method.

- (17) May AFL projects provide any form of abortion counseling?

Response: AFL projects are not permitted to provide any form of abortion counseling – that is, either encouraging or discouraging abortion. The promotion of adoption is not considered to be impermissible.